

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

In re:

Natasha Michelle Boyland

Case No.: 18-13983-JDW

Debtor(s).

Chapter 7

Natasha Michelle Boyland

Plaintiff/Debtor

v.

Memphis Wealth Builders, LLC and

Adam B. Emerson

Defendant(s)

Motion for Sanction for Violation of Automatic Stay

Prior to filing this motion, Debtor repeatedly presented notice of bankruptcy and awareness of bankruptcy being filed to listed creditor, Memphis Wealth Builders, LLC. Memphis Wealth Builders LLC, and their attorney Adam B. Emerson was aware of the bankruptcy based on their admission, on December 10, 2018, of reviewing the case on pacer to Judge Couch. Memphis Wealth Builders was first provided a notice via U. S. Mail on October 13, 2018 according to tracking number 9505 5139 6118 8285 2667 07 and a copy filed with the DeSoto County Justice Court on October 12, 2018.

Debtor had a right to not have a court proceeding continued in Desoto County Justice Court nor to be served with an additional complaint from Memphis Wealth Builders, LLC filed in County Court of Desoto County nor have the complaint heard while under bankruptcy.

Memphis Wealth Builders, LLC and Adam B. Emerson's willful violation of the automatic stay caused Debtor money to file a set aside judgement in Desoto County Justice Court and file an appeal in County Court of Desoto County, sleepless nights and other significant emotional harm distinct from the inherent stress of the normal bankruptcy process.

JURISDICTION AND VENUE

This court has jurisdiction under Title 28 U. S. C. §1334, Bankruptcy case and proceedings, because the automatic stay comes under Title 11 U. S. C. § 362.

Debtor, Natasha Michelle Boyland filed Chapter 7 Bankruptcy and was issued case number 18-13983-JDW in the Northern District of Mississippi on October 12, 218.

Memphis Wealth Builders, LLC is a Mississippi limited liability company and its Mississippi registered agent is Mark Bledsoe 600 Old Highway 51 N #553, Nesbit, MS 38651.

Venue is proper because Memphis Wealth Builders, LLC proceeded with a judicial proceeding after being put on notice that a Bankruptcy had been filed. Memphis Wealth Builders, LLC and its attorney Adam B. Emerson also filed another complaint against Debtor on November 30, 2018 to further pursue collection and a judicial proceeding while debtor was under the protection of the Northern District Mississippi Bankruptcy Court's automatic stay.

Debtor consents to entry of final orders and judgement by the Northern District Bankruptcy Court in this motion.

FACTUAL ALLEGATIONS

These allegations are based on personal knowledge as to Memphis Wealth Builders, LLC and Adam B. Emerson's conduct and made on information and belief as to the acts of others.

Memphis Wealth Builder's LLC received actual notice of the automatic stay in Debtor's case on multiple occasions and was made aware during each court proceeding (October 16, 2018, November 13, 2018, December 10, 2018, and December 17, 2018). Adam B. Emerson was made aware of the bankruptcy proceeding either by his client Memphis Wealth Builders, LLC and/or notice of bankruptcy filing mentioned in court filing made by Debtor; he was also made aware by County Court Judge Couch.

After receiving actual notice of the automatic stay, Memphis Wealth Builder's intentionally proceeded with case in Desoto County Justice Court and filed another complaint by way of attorney Adam B. Emerson in County Court of Desoto County.

Memphis Wealth Builders LLC and Adam B. Emerson's conduct as alleged above caused debtor money to file a set aside judgement in Desoto County Justice Court and file an appeal in County Court of Desoto County, sleepless nights and other significant emotional harm distinct from the inherent stress of the normal bankruptcy process.

The bankruptcy notice provided to Memphis Wealth Builders, LLC warned that violating the automatic stay could subject it to penalties. Adam B. Emerson is a Mississippi Bar Attorney (MSB# 102258) and should have been aware that penalties may be subject.

Memphis Wealth Builder, LLC's conduct with the help of their attorney, Adam B. Emerson, as alleged above was in pursuit of profit, property and constituted an oppressive violation of debtor's right to be free from collection activities and judicial proceedings.

CAUSE OF ACTION

Memphis Wealth Builder and Adam B. Emerson's violation of Title 11 U. S. C. § 362 (a)(1)(6) as alleged above was "willful" because their conduct was intentional, they had prior actual knowledge of the automatic stay from multiple sources, their conduct was unreasonable, and any alleged mistake of law is not a defense.

RELIEF

In accordance with 11 U. S. C. § 362(k), debtor is entitled to compensation for actual damages, proportional punitive damages and reasonable fees and costs from Memphis Wealth Builder's LLC, Adam B. Emerson and any other party the court finds in violation, in amounts to be decided by the court.

Debtor wish the court to grant a relief of money judgement for the following:

1. Money judgement for actual damages;
2. Money judgement for punitive damages; and
3. Money judgement for reasonable attorney fees and cost incurred for this proceeding.

Debtor seeks any equitable relief this Court may determine is fair.

Dated this 18th day of December, 2018.



Natasha Michelle Boyland

4414 Wrenwood Drive

Horn Lake, MS 38637

901-406-8502

CERTIFICATE OF SERVICE

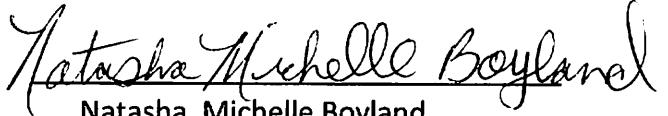
I hereby certify that on December 18, 2018, I served Motion for Sanction for Violation of Automatic Stay via U. S. Mail to:

Memphis Wealth Builders, LLC
Collin McCrary
P O Box 558
Nesbit, MS 38651

Bridgforth, Buntin & Emerson, PLLC
Adam B. Emerson
5293 Getwell Road
Southaven, MS 38672

County Court of Desoto County
2535 Highway 51 South
Hernando, MS 38632

Desoto County Justice Court
8525 Highway 51 North
Southaven, MS 38671


Natasha Michelle Boyland